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28 APR 2000

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In re Application of	:	
BROWN et al	:	DECISION ON
Application No.: 09/117,218	:	
PCT No.: PCT/GB97/00232	:	RENEWED PETITION
Int. Filing Date: 27 January 1997	:	
Priority Date: 25 January 1996	:	UNDER 37 CFR 1.48(a)
Attorney Docket No.: 117-261	:	
For: TREATMENT OF NON-NEURONAL	:	
CANCER USING HSV MUTANT	:	

This is a decision on the "Amendment and Renewed Petition Under 37 CFR 1.48" filed in the United States Patent and Trademark Office (USPTO) on 20 December 1999.

BACKGROUND

On 21 September 1999, a decision was mailed dismissing the petition under 37 CFR 1.48(a). A two-month period for reply was set therein.

On 20 December 1999, applicants filed the present renewed petition under 37 CFR 1.48(a) together with a petition/fee for a one-month extension of time.

DISCUSSION

A petition under 37 CFR 1.48(a) must include: 1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part; 2) an oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or 1.47; 3) the fee set forth in § 1.17(i); and 4) written consent of the assignee, if an assignment has been executed by any of the original named inventors.

As indicated in the prior decision, applicants have satisfied items (2) and (3) above.

With regard to item (1), the present petition includes the required statement by the new inventor, Mr. Kucharczuk.

With regard to item (4), the present petition indicates that the present invention has not been assigned by the inventors.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.48(a) is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing, including according the application 35 U.S.C. 102(e) and 371(c) dates of **11 January 1999**.



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